

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY PATRICK MAYER,

Plaintiff,

Case No. 2:22-cv-11442

HONORABLE STEPHEN J. MURPHY, III

v.

US DEPT OF VETERANS AFFAIRS,

Defendant.

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ORDER TRANSFERRING CASE

Plaintiff Timothy Patrick Mayer sued the United States Department of Veterans Affairs under the Federal Tort Claims Act. ECF 1. Plaintiff is a Lake County, Indiana resident. *Id.* at 2. And the allegedly tortious conduct occurred while the “Veteran’s [sic] Administration [sic] transported him from Chicago to his home in Indiana.” *Id.*

“Any civil action on a tort claim against the United States . . . may be prosecuted only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred.” 28 U.S.C. § 1402(b). When venue is improper, the Court may, in the interest of justice, transfer the case to a district where it could have been brought. *See* 28 U.S.C. § 1406(a). To that end, the Court may sua sponte transfer a case based on improper venue. *Carver v. Knox Cnty., Tenn.*, 887 F.2d 1287, 1291 (6th Cir. 1989).

Here, Plaintiff resides in Lake County, Indiana, ECF 1, PgID 2, which is in the Northern District of Indiana, 28 U.S.C. § 94(a)(3). Because the tortious conduct

occurred while Plaintiff was being transported from Chicago to Lake County, it is almost certain that the allegedly tortious acts occurred somewhere between the two places. *See* ECF 1, PgID 2–3. Thus, the allegedly tortious acts took place either in the Northern District of Indiana or the Northern District of Illinois, 28 U.S.C. § 93(a). Put differently, venue is improper in the Eastern District of Michigan. The Court will therefore sua sponte transfer the case to the Northern District of Indiana where venue is proper.

WHEREFORE, it is hereby **ORDERED** that the Clerk of the Court must **TRANSFER** the case to the United States District Court for the Northern District of Indiana under 28 U.S.C. § 1406(a).

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: June 28, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 28, 2022, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager